U.S. Cites Prints on 'Papers'

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LOS ANGELES, June 11—The government will rely substantially on fingerprints in its attempt to prove conspiracy, theft and espionage charges against Daniel Ellsberg and Anthony Russo in connection with disclosure of the top-secret Pentagon Papers.

Revealing some of its evidence in the case for the first time, the Justice Department says in a trial memorandum filled in federal court here that it found incriminating fingerprints on a copy of the papers at the Rand Corp. in Santa Monica.

In addition to Ellsberg's and Russo's, the government says it found the prints of Lynda Sinay, a former girlfriend of Russo; Vu Van Thai, the former South Vietnamese ambassador to the United States; and Ellsberg's teenage son Robert.

The fingerprints are central to the prosecution case, because at the time the papers were duplicated by Ellsberg in 1969, he was the only one of those people authorized to have access to them under government security regulations.

In the indictment, among other things, Ellsberg is charged with "conveying" the documents to persons not entitled to receive them and Russo with "receiving" and "retaining" them without authority.

Mrs. Sinay, a Los Angeles advertising woman, has told a grand jury here that she provided Ellsberg and Russo with a Xerox machine at her office for duplication of the history of American involvement in Southeast Asia.

Thai, now a United Nations aide in Africa, had a falling out with the Saigon government after he retired as ambassador to Washington in the mid-1960s and has often been described by Ellsberg as one of his chief sources of information and ideas about Vietnamese politics.

The government's trial memorandum also introduces another name into the case for the first time—Kimberly Rosenberg, who is described as a former girlfriend of Ellsberg.

According to the prosecution, she too was present while Ellsberg and Russo reproduced the Pentagon Papers for eventual disclosure.

There is speculation here that she, Mrs. Sinay and perhaps Thai may be called as prosecution witnesses in the case.

The prosecution's trial memorandum also sets out a series of contentions. It says it can prove during the upcoming trial of Ellsberg and Russo that:

- Although Ellsberg, as an officially designated courier, brought 10 volumes of the Pentagon Papers from Rand's Washington office to California on March 3, 1969, and another eight on August 28, 1969, these were never officially checked in at Rand's office here until May 20, 1970.
- Ellsberg checked out two other top secret documents from Rand in 1969; one a study of the 1954 Geneva Conference which he kept for about six weeks, the other a part of a report from Gen. Earle G. Wheeler, then chairman of the Joint Chiefs of Staff, to President Johnson, which Ellsberg kept for two weeks.
- Ellsberg, despite having signed a pledge to respect secret documents while at Rand, told Mrs. Sinay that he was planning to take some copies with him when he left the research institute, partially because Chairman J. W. Fulbright (D-Ark.), of the Senate Foreign Relations Committee, wanted to see them.
- The photocopying of the documents was actually done by Russo, Ellsberg and his son; that "Top Secret" markings were cut off the copies by Mrs. Sinay and Ellsberg's daughter Mary, and that Mrs. Sinay was paid for the use of her Xerox machine.

DANIEL ELLSBERG
. . . his fingerprints

The defense admits the truth of many of those facts, but says that when other factors are taken into consideration, no laws were acutally violated by Ellsberg and Russo.

In another memorandum filed with the court, the prosecution has asked U.S. District Court Judge W. Matt Byrne to revoke an earlier order requiring the govennment to reveal whether any electronic surveillance had been conducted on the defense lawyers in the Ellsberg-Russo case of their employees.

The Justice Department has already filed a disclaimer, as required by the judge, asserting that there was no wiretapping on the defendants themselves in connection with this case.

But the prosecutors say it would be unreasonably burdensome to be required to search for any surveillance of the seven defense lawyers and their large staffs, insofar as it goes beyond this case.

Besides, the government argues in the memorandum, if the prosecutors are personally "unaware" of any such surveillance—as they claim to be—then it would be "irrelevant" and any search for it "idle and wasteful," This resistence by the government to Byrne's order has prompted speculation here that the Justice Department may be aware of surveillance on two defense lawyers, Charles Goodell and Leonard Boudin, but is reluctant to reveal it.

It has been widely reported that Goodell, while he was a Republican U.S. senator from New York, was closely watched by Army intelligence agents.

Boudin's daughter Kathy, once a member of the Weatherman faction of Students for a Democratic Society, has long been sought by the FBI in connection with the 1970 explosion of a "bomb factory" in a townhouse in the Greenwich Village section of New York.

Princess Hurts Ankle

Reuter

TOKYO, June 11 — Japan's Crown Princess Michiko sprained her left ankle while playing tennis with her husband Crown Prince Akihito at the Togu Palace here, a palace spokesman said today.